

FILED
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US DISTRICT COURT E.D.N.Y.

★ JUN 13 2019 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

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KYLE FREISTAT,

Plaintiff,

ORDER
17 CV 5870 (RRM)(LB)

-against-

DETECTIVE DANIEL GASPERETTI, *Shield No.*
13198, and POLICE OFFICER ANTHONY
ARLISTICO, *Shield No. 26941*,

Defendants.
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BLOOM, United States Magistrate Judge:

The Court held a telephone status conference on June 13, 2019 in plaintiff's *pro se* civil rights action and set the following discovery deadlines. The parties shall complete discovery by October 18, 2019. Discovery is the process by which the parties request information from each other regarding their claims or defenses. Plaintiff should refer to the *pro se* manual¹ for the rules regarding discovery. Discovery requests are not made to the Court. Discovery is governed by Rules 26 through 37 of the Federal Rules of Civil Procedure and is conducted between the parties without the Court's involvement. Pursuant to Federal Rules of Civil Procedure 33 and 34, plaintiff may request, in writing, answers to questions and documents from defendants' attorneys. The more specific the request, the more likely the information will be produced. Generally, parties must respond to discovery requests in writing within thirty (30) days. Because October 18, 2019 is the deadline for the completion of all discovery, requests to the opposing party must be served at least thirty (30) days before that deadline. Plaintiff should always keep a copy of all requests and responses sent to defendants; plaintiff should never send an original document, only a copy. Federal Rule of Civil Procedure 5(d) prohibits litigants from filing discovery materials in the Court.

The parties may conduct depositions upon oral examination pursuant to Federal Rule of Civil Procedure 30. An oral deposition is a seven (7) hour question-and-answer session in which the person being deposed testifies under oath or affirmation. The deposition in its entirety, both

¹ The Clerk of Court is directed to mail plaintiff a copy of the *pro se* manual.

the questions and answers, are transcribed by the court reporter and may be used in the litigation. If a party receives written notice to appear for a deposition but is unable to appear at the date and time stated in the notice, that party shall promptly contact the opposing party to request that the deposition be rescheduled for another date. Each party bears their own costs of conducting discovery. The Court grants defendants permission to depose plaintiff while he is incarcerated. See Fed. R. Civ. P. 30(a)(2).

Before requesting the Court's assistance regarding a discovery dispute, the parties must make a good faith effort to resolve the dispute with one another. Fed. R. Civ. P. 26(c); Local Civil Rule 37.3. Under the Federal Rules of Civil Procedure, any submission to the Court must first be served on the adversary or the Court cannot consider it. Fed. R. Civ. P. 5.

Upon completion of discovery, any party seeking to file a dispositive motion shall file a pre-motion conference request by November 1, 2019 in accordance with Judge Mauskopf's Individual Motion Practices and Rules.

The Court shall hold a telephone conference on August 8, 2019 at 10:00 a.m. The Warden of Downstate Correctional Facility shall make plaintiff available for the Court-ordered telephone conference at that time. Defendants' counsel shall arrange and initiate the conference call. After establishing contact with plaintiff, defendants' counsel shall contact the Court at (718) 613-2170. SO ORDERED.

/S/ Judge Lois Bloom
LOIS BLOOM
United States Magistrate Judge

Dated: June 13, 2019
Brooklyn, New York